

DOCKET NO. FST-CV21-6049918-S	)	SUPERIOR COURT
	)	
LOUIS ZACKSON, Et Al	)	JUDICIAL DISTRICT
	)	OF STAMFORD/NORWALK
V.	)	
	)	AT STAMFORD
	)	
GREENWICH BOARD OF EDUCATION,	)	
ET AL	)	MAY 13, 2021

**ANSWER AND SPECIAL DEFENSES OF DEFENDANTS**  
**THE GREENWICH BOARD OF EDUCATION AND THE TOWN OF GREENWICH**

The Defendants Greenwich Board of Education and the Town of Greenwich hereby answer the Plaintiffs' Complaint dated December 22, 2020, with a Return Date of February 16, 2021, as follows:

**COUNT ONE (Negligence As To Board)**

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and leaves Plaintiffs to their proof.
2. Denied.
3. Admitted.
4. Admits that the Board was responsible for providing public education within the Town of Greenwich; as for the allegation that the Town of Greenwich was also responsible for providing public education, the Board refers the Plaintiffs and this Court to the Connecticut General Statutes for the Defendants' respective roles as they relate to the provision of public education.

5. Admitted.

6. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 and leaves Plaintiffs to their proof, except refers the Plaintiffs and this Court to the Connecticut General Statutes for the role and responsibilities of boards of education.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 7 and leaves Plaintiffs to their proof.

8. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 and leaves Plaintiffs to their proof.

9-10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 9 through 10 and leaves Plaintiffs to their proof.

11-12. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraphs 11 and 12 and leave the Plaintiffs to their proof.

13. As plead, denies information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 and leaves Plaintiffs to their proof.

14. Denied.

15. Denied.

16. Denied.

17-18. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 17 and 18 and leaves Plaintiffs to their proof.

19. Denied.

20. Denied.

21. Denied.

22-23. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 22 and 23 and leaves Plaintiffs to their proof.

24. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 except admits that Louis was taken to the school nurse, ice was applied and Louis then returned to the classroom.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 and leaves Plaintiffs to their proof.

26-31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 26 through 31 and leaves Plaintiffs to their proof.

32. Denies each and every allegation contained in Paragraph 32.

33. Denied.

**COUNT TWO (Statutory Against Board)**

1-32. The Board's answers to Paragraphs 1 through 32 of Count One are hereby incorporated as its answers to Paragraphs 1 through 32 of Count Two.

33. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 and leaves Plaintiffs to their proof, except

refers the Plaintiffs and this Court to General Statutes § 55-557n, § 10-220 and § 7-465 for their terms thereof.

34. Admits that Exhibit A was submitted to the Town and refers this Court to its contents thereof.

35. Denied.

**COUNT THREE (Negligent Infliction of Emotional Distress Against Board)**

1-32. The Board's answers to Paragraphs 1 through 32 of Count One are hereby incorporated as its answers to Paragraphs 1 through 32 of Count Three.

33. Admitted.

34-35. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 34 and 35 and leaves Plaintiffs to their proof.

36. Denied.

37. As plead, denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 and leaves Plaintiffs to their proof.

38. Denied.

**COUNT FOUR (Negligence Against Town)**

1-32. The Board's answers to Paragraphs 1 through 32 of Count One are hereby incorporated as the Town's answers to Count Four.

33. Denied.

**COUNT FIVE (Statutory Negligence Against Town)**

1-34. The Board's answers to Paragraphs 1 through 34 of Count Two are hereby incorporated as the Town's answers to Count Five.

35. Denied.

**COUNT SIX (Negligent Influence Of Emotional Distress Against Town)**

1-37. The Board's answers to Paragraph 1 through 37 of Count Three are hereby incorporated as the Town's answers to Count Six.

**COUNT SEVEN (Parents' Claim for Medical Expenses)**

1-32. The Defendants' responses to Paragraphs 1 through 32 of Count One are hereby incorporated as their answers to Count Seven.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 and leave Plaintiffs to their proof.

**ANSWERS AND SPECIAL DEFENSES**

**FIRST SPECIAL DEFENSE TO COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX AND COUNT SEVEN:**

The Defendants, Greenwich Board of Education and Town of Greenwich, are immune from liability under the doctrine of governmental immunity.

**SECOND SPECIAL DEFENSE TO COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX AND COUNT SEVEN:**

The Defendants, Greenwich Board of Education and Town of Greenwich, are exempt and/or immune from liability pursuant to General Statutes §52-557n(a)(2)(B) in that the acts and/or omissions complained of require the exercise of judgment or discretion.

**THIRD SPECIAL DEFENSE TO COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX AND COUNT SEVEN:**

The Defendants, Greenwich Board of Education and Town of Greenwich, are entitled to common law immunity and/or governmental immunity since, at all times relevant herein, they were engaged in the performance of governmental and/or discretionary activities for the public benefit and have immunity from liability for any and all acts and/or omissions complained of and for any and all injuries and damages claimed.

**FOURTH SPECIAL DEFENSE TO COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX AND COUNT SEVEN:**

To the extent that the liability of the Defendants, Greenwich Board of Education and Town of Greenwich, is based on the actions or omissions of any of its officers, agents, servants or employees, said officers, agents, servants or employees were, at all times relevant herein, in the good faith performance of public duties that were discretionary or governmental in nature, and enjoy qualified immunity, and, therefore, the Defendants, Greenwich Board of Education and Town of Greenwich, are protected and/or immune from liability for any and all injuries and damages claimed.

**FIFTH SPECIAL DEFENSE TO COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX AND COUNT SEVEN:**

If Plaintiff sustained injuries and damages in the manner and to the extent alleged, said injuries and damages were caused, in whole or in part, by the minor Plaintiff's own contributory and/or comparative negligence, which was a greater cause of said injuries and damages than any negligence or culpability, if any, attributable to the Greenwich Board of Education and/or Town of Greenwich, and/or to any of their officers, agents, servants or employees, as a result of: the minor Plaintiff's failure to use reasonable and prudent care under the circumstances as may reasonably be expected of children of similar age, judgment, attention, intelligence and experience; in that he failed to make reasonable and proper use of his senses and faculties; in that he failed to be watchful and attentive to his surroundings; in that he failed to exercise reasonable care for his own safety given the existing and prevailing circumstances and/or conditions, and/or for his participation and actions in the incident.

THE DEFENDANTS,  
GREENWICH BOARD OF EDUCATION AND  
TOWN OF GREENWICH


By: 

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**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing has been sent on this 13th day of May, 2021  
via electronic mail to all counsel and/or pro se parties of record, as follows:

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